

1 (Proceedings called to order)

2 THE COURT: All right. Agents, please, raise
3 your right hand.

4 (Agents sworn)

5 THE COURT: All right. Have a seat, please.

6 All right. If anybody that is being assisted
7 by the interpreter that's using the headset, if you have
8 trouble with the headset during the hearing, please,
9 make sure you get my attention or the interpreter's
10 attention right away so that we can take care of that
11 problem, please.

12 I'm going to ask all of you, please, as I'm
13 sure the interpreter has told you, to, please, answer in
14 a good strong voice so that we can hear you loud and
15 clear, and so that she can hear you loud and clear,
16 please.

17 Okay. We are here to conduct your initial
18 appearance today.

19 I'm Judge Torres. At this hearing, I will
20 advise you of the charges that you face, of the rights
21 that you have. i will advise you -- I'm required to
22 tell you of the possible maximum punishment that you can
23 face.

24 I will give you information regarding your
25 attorney, time and date of your next hearing, and I'll

1 also discuss your situation regarding bond.

2 Now, I need to advise you of some important
3 rights at this time.

4 First, you do have the right to remain silent.
5 You don't have to answer any questions about your case.
6 Anything that you say can be used against you in court.

7 Starting with those of you that are sitting
8 here against the wall over here to my left, do you
9 understand your right to remain silent?

10 (All respond "Yes")

11 THE COURT: Okay. In the back row over here to
12 my left, do you understand your right to remain silent?

13 (All respond "Yes")

14 THE COURT: Okay. And, actually, on this side
15 of the room, do all of you understand your right to
16 remain silent?

17 (All respond "Yes")

18 THE COURT: Now, you also have the right to an
19 attorney. You can hire the attorney of your choice or I
20 will appoint one for you if you cannot afford an
21 attorney.

22 Starting with those of you sitting against the
23 wall over here, do you understand that you have the
24 right to have a lawyer represent you on these charges?

25 (All respond "Yes")

1 THE COURT: In the back row over here to my
2 left, do you understand that you have the right to have
3 a lawyer represent you on these criminal charges?

4 (All respond "Yes")

5 THE COURT: Okay. And over here on this side
6 of the room, do you understand that you have the right
7 to have a lawyer represent you on these charges?

8 (All respond "Yes")

9 THE COURT: Okay. And if you don't have the
10 money to hire a lawyer, I will appoint a lawyer for you.

11 Is there anybody here who has already hired an
12 attorney?

13 (No response)

14 THE COURT: Okay. Then I will appointing a
15 lawyer for all of you who cannot afford one.

16 Let me go ahead and ask some questions
17 regarding your finances. I need to make sure that you
18 qualify for an appointed lawyer, so I need to take some
19 information before I do that.

20 Stand up if any of these -- if your answer is
21 in the affirmative to any of these questions, if your
22 answer is yes to any of these questions.

23 Does anybody -- does anybody in this group own
24 their own home or any land our buildings? Anybody?

25 (No response)

1 THE COURT: Okay. For the record, there are no
2 affirmative answers to that question.

3 Is there anybody here who has over \$500 in any
4 bank account they have access to or in their jail
5 commissary?

6 (No response)

7 THE COURT: For the record, let me note that
8 nobody has answered in the affirmative.

9 Based on this information, I will qualify you
10 for an appointed lawyer.

11 Now, let me go ahead and call on you
12 individually. If you would please stand up and remain
13 standing when I call your name and also please say
14 "Present" when I call your name.

15 (Proceedings continued but are not made a part
16 of this record)

17 THE COURT: Elba Luz Dominguez-Portillo?

18 THE DEFENDANT: Present.

19 (Proceedings continued but are not made a part
20 of this record)

21 THE COURT: Okay. That's all of you. So each
22 one of you is charged with a misdemeanor offense of
23 illegal entry or illegal entry into the United States.
24 This is a misdemeanor charge. It carries a possible
25 sentence of anywhere from no time in jail up to a

1 possible maximum of six months in jail, a fine of
2 anywhere from zero up to \$5,000 and a \$10 special
3 assessment. That is the possible maximum sentence.

4 In each one of your cases, I am setting bond at
5 \$5,000 cash or corporate surety.

6 Now, if any you have have any intention of
7 either yourselves or your family paying your bond, I
8 would strongly recommend that you speak to your attorney
9 before you make that financial commitment. Your
10 attorney may make you aware of certain facts that could
11 influence your decision as to whether or not you put
12 down this money. So just talk to your attorney if
13 you're thinking about doing that.

14 For those you have that are standing up against
15 the wall over here -- who is the last one? Let me have
16 a moment.

17 (Proceedings continued but are not made a part
18 of this record)

19 THE COURT: Everybody from Mr. Hernandez-Neti
20 [phonetic] on this way, so all of you against the wall
21 over here, I'm appointing Omar Carmona to represent you.
22 And he's an attorney in private practice that takes
23 appointments in criminal cases like this. Your court
24 hearing is set -- your next court hearing is set on
25 November 1st at 2:00 in the afternoon.

1 (Proceedings continued but are not made a part
2 of this record)

3 THE COURT: Now, let me just tell you briefly,
4 at this next court hearing, several things can happen,
5 and it's basically whatever your decision is. You can
6 ask for more time, if you need more time, to prepare
7 your case or your defense.

8 You can ask for a trial. A trial is a
9 proceeding in which you are contesting these criminal
10 charges against you.

11 If you ask for a trial, I'll do my very best to
12 set you for a trial within two weeks, three weeks at the
13 most, all right? Or on that day, you can also plead
14 guilty and be sentenced on that day, if you decide.

15 Now, talk to your attorney first. Your
16 attorney will be by to see you sometime this week, and
17 your attorney will give you advice as to how he thinks
18 you should proceed, and then you can make up your own
19 minds as to what you want to do, and you can let me know
20 on this next court hearing on November 1st in all of
21 your cases.

22 I want to also inform all of you -- each one of
23 you that -- it's probably hard to see from where you're
24 standing -- but each one of you is charged by a document
25 that looks something like this. The important things in

1 that document are that they list the date of your
2 alleged offense, okay -- and you are just accused at
3 this time -- the date of your alleged offense, the place
4 of your alleged offense, and there is an affidavit sworn
5 to by one of the agents involved in your case that
6 describes and details the facts in support of this
7 allegation by the government. Of course, it's an
8 allegation and you do have the right to contest it.

9 Your attorney will answer all of these
10 questions for you.

11 Now, have all -- is there -- have all of you
12 understood everything I've just discussed with you?

13 (All respond "Yes")

14 THE COURT: Okay. Is there anybody here that
15 did not understand something that I just went over with
16 you? Anybody?

17 (No response)

18 THE COURT: Is there also anybody in this group
19 that was accompanied by either their minor child or a
20 minor sibling? Somebody below the age of 18. Anybody
21 in the group?

22 (No response)

23 THE COURT: I mean, a relative is what I'm
24 talking about.

25 Ma'am -- and it's Ms. -- let me have just a

1 moment -- Ms. Dominguez-Portillo. May I ask you, who
2 was accompanying you?

3 THE DEFENDANT: My daughter.

4 THE COURT: How old is she?

5 THE DEFENDANT: 16.

6 THE COURT: May I ask you her name?

7 THE DEFENDANT: Jocelyn Paola.

8 THE COURT: Dominguez also?

9 THE DEFENDANT: Luna-Dominguez.

10 THE COURT: Luna-Dominguez.

11 THE COURT: When you were arrested, at the time
12 of your separation, were you provided any information as
13 to how to find out about her whereabouts or her
14 well-being?

15 THE DEFENDANT: No. They did not want to tell
16 me.

17 THE COURT: They didn't give you any paperwork?

18 THE DEFENDANT: No.

19 THE COURT: Well, ma'am, please, discuss this
20 with your attorney, okay? And your attorney may be able
21 to assist you in at least finding out some basic
22 information about where she is. Okay. Is there
23 anybody -- just make sure you discuss that with your
24 attorney when your attorney goes out to see you,
25 Mr. Carmona.

1 Anybody else like Ms. Dominguez, who was
2 accompanied by a minor child or a minor sibling?

3 Anybody?

4 (No response)

5 THE COURT: Okay. Very well. Then, you will
6 be meeting with your attorney in the very near future.
7 Hopefully, this week. Your attorney will explain to you
8 in detail everything that we've discussed today.

9 In a few minutes, you will receive written
10 notice that your hearing has been set. This written
11 notice will contain the name and contact information of
12 your lawyer should you need to reach your lawyer before
13 they go out to visit.

14 At this point, I'll turn you over to the
15 custody of the U.S. Marshals. We're in recess.

16 (Proceedings concluded)

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CERTIFICATE OF ELECTRONIC RECORDING

I, Rhonda McCay, CSR, RPR, certify that the foregoing is a correct transcription from the electronic recording of the proceedings in the above-entitled matter.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this electronic recording was taken, and further that I am not financially or otherwise interested in the outcome of the action.

Signed this 7th day of November, 2017.

/s/ Rhonda McCay
Rhonda McCay, RPR, CSR 4457
Date of Expiration: 12/31/2018
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